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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

IN THE MATTER OF THE APPLICATION OF )  
COMMUNITY WATER OF GREEN VALLEY )  
FOR A DETERMINATION OF THE CURRENT )  
FAIR VALUE OF ITS UTILITY PROPERTY AND )  
FOR AN INCREASE IN ITS WATER RATES )  
AND CHARGES FOR UTILITY SERVICES )

DOCKET NO. W-02304A-08-0590

**JOINT MOTION TO  
WITHDRAW AND FOR  
SUBSTITUTE OF COUNSEL**

Community Water Company of Green Valley ("Applicant") moves that the Commission, through its duly assigned Administrative Law Judge, issue a procedural order permitting the substitution of counsel in this matter. The current counsel of record ("Withdrawing Attorney") and proposed counsel ("Substituting Counsels") are:

Current Counsel of Record

Proposed Counsel

Richard L. Sallquist  
Sallquist, Drummond & O'Connor, P.C.  
1430 East Missouri, Suite B-125  
Phoenix, Arizona 85006  
602.224-9222  
602.224.9366  
[dick@sd-law.com](mailto:dick@sd-law.com)

Jason D. Gellman  
Michael W. Patten  
Roshka DeWulf & Patten, PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
602.256.6100  
602.256.6800 (fax)  
[jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)  
[mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)

This motion is made pursuant to A.A.C. R14-3-104(E); Rule 5.1(a)(2) of the Arizona Rules of Civil Procedure; and ER 1.16(c) of Rule 42, Rules of the Supreme Court of Arizona. The Commission's rules allow the Administrative Law Judge to approve the withdrawal of any attorney "upon written application and good cause shown under such terms, conditions, and

1 notices to clients and other parties as the Commission or presiding officer may direct.” A.A.C.  
2 R14-3-104(E).

3 Pursuant to Rule 5.1(a)(2)(A), Arizona Rules of Civil Procedure, attached is the written  
4 approval of the client. (Exhibit A). Also pursuant to that rule, attached is a proposed order.  
5 (Exhibit B).

6 Applicant requests that service upon the Applicant be made to:

7  
8 Jason D. Gellman  
Michael W. Patten  
Roshka DeWulf & Patten, PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
9 (602) 256-6100  
(602) 256-6800 (fax)  
10 [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)  
11 [mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)

12  
13 With a copy to:

14 Mr. Arturo Raul Gabaldon  
President  
Community Water Company of Green Valley  
15 1501 S. La Canada Drive  
Green Valley, Arizona 85622.  
16 (520) 625-0476  
(520) 625-1951 (fax)  
17 [Arturo@communitywater.com](mailto:Arturo@communitywater.com)  
18

19 Accordingly, Applicant requests that the Commission, through its duly assigned  
20 Administrative Law Judge, issue a procedural order: (1) granting this motion; (2) ordering that the  
21 Substituting Counsels be considered Applicant’s counsel of record in this matter; (3) ordering that  
22 the service of all documents be made on Substituting Counsels, with a copy to the Applicant at the  
23 address listed above; and (4) permitting Withdrawing Counsel to withdraw entirely from this  
24 matter.  
25  
26  
27

1 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February 2009.

2  
3 ROSHKA DEWULF & PATTEN, PLC

4  
5 By 

6 Jason D. Gellman

7 Michael W. Patten

8 400 East Van Buren Street, Suite 800

9 Phoenix, Arizona 85004

10 *Proposed Attorneys for Applicants*

11  
12 By 

13 Richard L. Sallquist

14 SALLQUIST, DRUMMOND & O'Connor, P.C.

15 1430 East Missouri, Suite B-125

16 Phoenix, AZ 85014

17 *Present Attorneys for Applicants*

18 Original and 13 copies of the foregoing  
19 filed this 17<sup>th</sup> day of February 2009 with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 Copy of the foregoing hand-delivered/mailed  
25 this 17<sup>th</sup> day of February 2009 to:

26 Richard L. Sallquist  
27 Sallquist, Drummond & O'Connor, P.C.  
1430 East Missouri, Suite B-125  
Phoenix, Arizona 85004

Lyn Farmer, Esq.  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

ROSHKA DEWULF & PATTEN, PLC

ONE ARIZONA CENTER

400 EAST VAN BUREN STREET - SUITE 800

PHOENIX, ARIZONA 85004

TELEPHONE NO 602-256-6100

FACSIMILE 602-256-6800

**ROSHKA DEWULF & PATTEN, PLC**

ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 Janice Alward, Esq.  
2 Chief Counsel, Legal Division  
3 Arizona Corporation Commission  
4 1200 West Washington  
5 Phoenix, Arizona 85007

6 Ernest G. Johnson, Esq.  
7 Director, Utilities Division  
8 Arizona Corporation Commission  
9 1200 West Washington  
10 Phoenix, Arizona 85007

11 By Mary Spolito  
12  
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# EXHIBIT

"A"

State of Arizona )

) **AFFIDAVIT OF ARTURO R. GABALDON**

County of Pima )

Arturo R. Gabaldon, having been duly sworn, deposes and says:

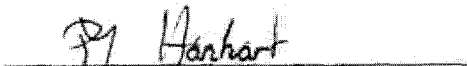
1. My name is Arturo R. Gabaldon. I am over 18 years old, and I am a resident of Pima County, Arizona.
2. I am the President of Community Water Company of Green Valley ("the Company").
3. I authorize and request that Jason D. Gellman and Michael W. Patten, of the law firm Roshka, DeWulf and Patten, PLC, be substituted as the counsel of record for the Community Water Company of Green Valley in all matters pending before the Arizona Corporation Commission, including without limitation Docket Numbers W-02304A-08-0590.

Further affiant sayeth not.



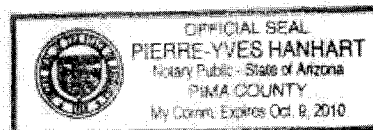
Arturo R. Gabaldón

Subscribed and sworn before me this 13<sup>th</sup> day of February, 2009.



Notary Public

My Commission Expires 10-9-2010



(Seal)

# EXHIBIT

"B"

1                                **BEFORE THE ARIZONA CORPORATION COMMISSION**

2        **COMMISSIONERS**

3        KRISTIN K. MAYES, Chairman  
4        GARY PIERCE  
5        PAUL NEWMAN  
6        SANDRA D. KENNEDY  
7        BOB STUMP

8        IN THE MATTER OF THE APPLICATION OF        ) DOCKET NO. W-02304A-08-0590  
9        COMMUNITY WATER OF GREEN VALLEY        )  
10        FOR A DETERMINATION OF THE CURRENT        )  
11        FAIR VALUE OF ITS UTILITY PROPERTY AND        ) **[PROPOSED] PROCEDURAL**  
12        FOR AN INCREASE IN ITS WATER RATES        ) **ORDER**  
13        AND CHARGES FOR UTILITY SERVICES        )

14                On February \_\_\_\_, 2009, Community Water Company of Green Valley, filed a motion to  
15        substitute counsel pursuant to A.A.C. R14-3-104(E); Rule 5.1(a)(2) of the Arizona Rules of Civil  
16        Procedure; and ER 1.16(c) of Rule 42, Rules of the Supreme Court of Arizona. Attached to the  
17        motion was an affidavit from the Applicant's President authorizing the motion. The current  
18        counsel of record ("Withdrawing Counsel") is:

19                                Richard L. Sallquist  
20                                Sallquist, Drummond & O'Connor, P.C.  
21                                1430 East Missouri, Suite B-125  
22                                Phoenix, Arizona 85006  
23                                (602) 224-9222  
24                                (602) 224-9366 (fax)  
25                                [dick@sd-law.com](mailto:dick@sd-law.com)

26                The proposed counsel ("Substituting Counsels") is:

27                                Jason D. Gellman  
                                 Michael W. Patten  
                                 Roshka DeWulf & Patten, PLC  
                                 400 East Van Buren, Suite 800  
                                 Phoenix, Arizona 85004  
                                 (602) 256-6100  
                                 (602) 256-6800 (fax)  
                                 [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)



1 Good cause having been shown, the motion should be granted.

2 IT IS THEREFORE ORDERED that Applicant's Motion to Substitute Counsel is granted.

3 IT IS FURTHER ORDERED that Substituting Counsels shall be considered Applicant's  
4 counsel of record in this proceeding.

5 IT IS FURTHER ORDERED that service of all documents upon Applicant shall be made  
6 to:

7 Jason D. Gellman  
8 Michael W. Patten  
9 Roshka DeWulf & Patten, PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100  
(602) 256-6800 (fax)  
10 [mpatten@rdp-law.com](mailto:mpatten@rdp-law.com)  
11 [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

12 With a copy to:

13 Mr. Arturo R. Gabaldon  
14 President  
15 Community Water of Green Valley  
1501 S. La Canada Drive  
Green Valley, Arizona 85622

16  
17 IT IS FURTHER ORDERED that Withdrawing Counsel is permitted to withdraw from this  
18 matter entirely.

19 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.  
20

21 \_\_\_\_\_  
22 LYN FARMER  
23 CHIEF ADMINISTRATIVE LAW JUDGE  
24  
25  
26  
27

ROSHKA DEWULF & PATTEN, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 Original and 13 copies of the foregoing  
2 filed this \_\_\_\_ day of February 2009 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed  
8 this \_\_\_\_ day of February 2009 to:

9 Jason D. Gellman, Esq.  
10 Michael W. Patten, Esq.  
11 Roshka DeWulf & Patten, PLC  
12 One Arizona Center  
13 400 East Van Buren, Suite 800  
14 Phoenix, Arizona 85004

15 Richard L. Sallquist, Esq.  
16 Sallquist, Drummond & O'Connor, P.C.  
17 1430 East Missouri, Suite B-125  
18 Phoenix, Arizona 85014

19 Lyn Farmer, Esq.  
20 Chief Administrative Law Judge  
21 Hearing Division  
22 Arizona Corporation Commission  
23 1200 West Washington  
24 Phoenix, Arizona 85007

25 Janice Alward, Esq.  
26 Chief Counsel, Legal Division  
27 Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Ernest G. Johnson, Esq.  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

By \_\_\_\_\_